

FILED

07 DEC 26 PM 1:28

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY:

DEPUTY

UNITED STATES OF AMERICA,
Plaintiff,

v.

Benjamin Daniel WILLIAMS (1),
Nathaniel Gregory WILLIAMS (2),
Defendants.

Magistrate Case No.: **07 MJ 2982**

COMPLAINT FOR VIOLATION OF

21 U.S.C. § 952 and 960
Importation of a Controlled Substance
(Felony)

The undersigned complainant being duly sworn states:

That on or about December 22, 2007, within the Southern District of California, defendants Benjamin Daniel WILLIAMS and Nathaniel Gregory WILLIAMS did knowingly and intentionally import approximately 52.52 kilograms (115.54 pounds) of cocaine a Schedule II Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.


Special Agent
Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 26th,
DAY OF December, 2007.


UNITED STATES MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

2 v.
Benjamin Daniel WILLIAMS (1),

3 Nathaniel Gregory WILLIAMS (2),
4

5 PROBABLE CAUSE STATEMENT
6

7 I, Special Agent Donald E. Webster, declare under penalty of perjury, the
8 following is true and correct:
9

10 On December 22, 2007, Benjamin Daniel WILLIAMS and Nathaniel Gregory
11 WILLIAMS entered the United States through the Calexico, California West Port of
12 Entry. Benjamin WILLIAMS was the driver, and Nathaniel WILLIAMS was the front
13 seat passenger in a 1991 Cadillac Seville, without license plates. Customs and
14 Border Patrol Officer E. Hernandez received a negative Customs declaration. Both
15 subjects stated they were United States citizens and presented their California drivers
16 licenses. Officer Hernandez noted both subjects appeared nervous as they handed
17 their documents to him with hands shaking and the avoidance of eye contact. Both
18 subjects were hesitant to answer basic questions during inspection. Officer
19 Hernandez asked Benjamin WILLIAMS who owned the vehicle and WILLIAMS replied
20 his girlfriend. Officer Hernandez inspected the registration and noted Benjamin
21 WILLIAMS's name was listed as the registered owner. Officer Hernandez decided to
22 refer the vehicle to vehicle secondary for a closer inspection.
23

24 In vehicle secondary, Customs Enforcement Officer Randolph and his K-9
25 "Pina" inspected the vehicle. "Pina" alerted to the vehicle's floorboard area. Officer J.
26 Garcia inspected the floorboard area on the passenger's side of the vehicle and
27 located a non-factory compartment under the passenger seat and dashboard area.
28 The compartment was opened and Officers recovered 47 packages containing a white
29

1 powdery substance that field tested positive for cocaine. The combined weight of the
2 47 packages was 52.52 kilograms, or 115.54 pounds of cocaine.

3
4 Both Benjamin and Nathaniel WILLIAMS were arrested in violation of Title 21
5 United States Code (USC) 952, Importation of a Controlled Substance. Benjamin
6 WILLIAMS acknowledged and waived his Miranda Rights and stated he knew there
7 was something in the vehicle. Benjamin WILLIAMS stated that he and his brother
8 drove to Mexicali B.C. Mexico on December 21, 2007 and stayed at a hotel. He
9 cannot remember the name of the hotel and does not know where it is. He could not
10 say where they went or what they did while at the hotel. Benjamin WILLIAMS stated a
11 friend picked out the hotel but could not provide a name or a description of the friend.
12 Benjamin WILLIAMS finally stated there was no friend involved. He and his brother
13 just drove down to Mexicali, B.C. Mexico from their home in San Diego, CA. and
14 stayed at a hotel.

15
16 Agent Webster confronted Benjamin WILLIAMS with his inconsistencies and
17 presented the facts of the case to him indicating that he must have known there was a
18 controlled substance in the vehicle. Benjamin WILLIAMS stated that he thought there
19 was something in the vehicle, but would not elaborate as to what he thought it was.

20
21 Agent Webster began asking direct questions as to how and when they arrived
22 in Mexicali, Mexico. Benjamin WILLIAMS stated they drove down on the 21st. Agent
23 Webster asked which vehicle they drove down in because it was a clear fact that they
24 could not have driven the vehicle they were arrested in because of the condition of the
25 non-factory compartment and the very fresh bondo used to seal the compartment.
26 Benjamin WILLIAMS hesitated for a few moments and they requested the right to
27 remain silent.

1 Agent Webster read Nathaniel WILLIAMS his Miranda Rights in the English
2 language, which he stated he understood and waived. Nathaniel WILLIAMS stated
3 his brother told him on December 20, 2007 that he bought a car and asked for his help
4 in picking it up. They drove down Mexicali, Mexico on December 21, 2007 to pick it
5 up. Agent Webster began asking about the car and Nathaniel stated this was the
6 second time he had seen the car, the first time was approximately two weeks ago.
7 Agent Webster asked Nathaniel how they drove down to Mexico and also why they
8 would drive down to Mexicali, Mexico when they lived in San Diego, CA. Agent
9 Webster also pointed out the lack of credibility in his story since it varied from his
10 brother's version. Nathaniel hesitated and stated he would tell the truth.

11
12 Nathaniel stated that his brother asked him to go with him to Mexicali, Mexico
13 to pick up a car he bought. An unknown Mexican guy picked them up from their
14 house at approximately 0700 hours. Nathaniel assumes the guy was a friend of his
15 brothers and did not see or hear anything else because he is not a morning person
16 and slept during the ride to Mexicali, Mexico. When they arrived in Mexicali, Mexico,
17 they stopped at the car. They got out of the small sedan driven by the unknown
18 person and got into the Cadillac they were arrested in. Nathaniel noted the seat did
19 not work properly and did not enjoy the fact that his knees were up against the
20 dashboard. But since it was an older car and his brother obviously liked it, he decided
21 not to say anything. Nathaniel went on to say that he thought it was strange that they
22 would drive all the way to Mexicali, Mexico to get a car, but figured his brother must
23 have gotten a good deal.

24
25 Nathaniel states he did not know there was a controlled substance in the
26 vehicle. He also states that his brother has been acting a little different and does not
27 ask him a lot of questions. He just went with him because his brother asked him to.
28 Nathaniel also stated his brother worked at a Subway restaurant but noticed he had
29 not been going to work for the last few days.

1 Agent Webster asked Nathaniel about a receipt he found in his wallet. The
2 receipt was a withdrawal from a credit card for \$4000.00. Nathaniel stated he needed
3 the money to pay on his other credit cards and wanted a little for Christmas. Nathaniel
4 stated he has accrued approximately \$10,000.00 in credit card debts and is currently
5 unemployed. He claims that he has a good credit score and gets several offers at low
6 percentage rates. He also claims that he plans on getting a good job and paying off
7 the cards in the near future. He is just being choosy about the type of employment he
8 wants.

9
10 Nathaniel stated that neither he nor his brother speak Spanish. In response to
11 questioning, he also stated that this may not have been the same vehicle that he saw
12 his brother with a few weeks ago.

13
14 Executed on December 23, 2007 at 1148 hours

15 
16 Donald E. Webster, SPECIAL AGENT
17 Immigration and Customs Enforcement
18

19 On the basis of the facts presented in the probable cause statement consisting
20 of five (5) pages, I find probable cause to believe that the defendants, Benjamin
21 WILLIAMS and Nathaniel WILLIAMS, named in this probable cause statement
22 committed the offense on December 22, 2007, in violation of Title 21 United States
23 Code, Section(s) 952 & 960

24 
25
26 United States Magistrate Judge

27 12/23/07 - 4:48 Pm
28 Date/Time
29